

REMARKS

The Office Action dated March 18, 2008, has been carefully considered. The present Amendment is intended to be a complete response thereto and to place the case in condition for allowance.

PERSONAL INTERVIEW WITH EXAMINER

A personal interview was conducted between undersigned counsel and Examiner Hinze on June 17, 2008. During the interview, the Applicants noted that rejection under 35 U.S.C. § 112, 2nd paragraph, was improper because the semi-transparent layer is not an “image.” Under the definition proposed by the Examiner, that layer is not a “representation.” The Examiner agreed that an image must be more than just semi-transparent layer.

THE CLAIMS ARE NOT ANTICIPATED

Claim 1 and 4-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lange (U.S. Patent No. 2,885,561). Applicants respectfully traverse the rejection.

The Examiner contends that the claims only require that the image formed by the luminous elements is not visible during normal lighting, but that another image can be visible, such as the reflective elements of Lange.

The claims have been amended to require that the luminous elements are visible in darkness, but that the semi-transparent layer is visible during normal lighting conditions such that the luminous elements and blind hollows are not visible under normal lighting conditions. The claims clearly provide that the luminous elements are located in the semi-transparent layer in a hollow that is open facing the substrate. Thus, the semi-transparent layer covers the luminous

elements, so that when the semi-transparent layer is visible (during normal lighting), it blocks the luminous elements from being seen. Accordingly, at the portions of the dial that are covered by the semi-transparent layer, the wearer will only see the semi-transparent layer with any markings (such as indexes 56 or other decorative elements) under normal lighting. Under darkness, the wearer will only see the luminous elements.

The Examiner further noted, with respect to 35 U.S.C. §112, 2nd paragraph, that an image is a tangible or visible representation. The claims further clarify that the semi-transparent layer itself does not form an image. That is, the semi-transparent layer does not form a representation of anything, but is more analogous to a background of the dial. Accordingly, the image formed by the luminous elements of the claimed invention is not represented by the semi-transparent layer.

In contrast, Lange purposefully provides a reflective layer over luminous elements, so that the reflective layer (and not the luminous element) is visible under normal lighting. Thus, Lange displays a same image under darkness (by the luminescent) and under normal lighting (by the reflective layer). Consequently, Lange intentionally teaches away from the goal of the present invention to not display any image under normal lighting.

During the interview, the Examiner referred to Fig. 13 of Lange. It should be noted, however, that Figs. 13 and 14 of Lange do not relate to a dial, but only to a dial hand (col. 5, line 15). To recreate the present invention on a dial, which is extremely thin, would at best be very difficult to provide a suitable groove filled with luminous elements. Thus, as with Fig. 12, the reflective layer 30 of Lange is intended to re-create the image of the luminescent 30 under normal lighting. Lange hides the luminescent material in daylight because it is an unsightly yellowish color. (Col. 1, lines 15-19, 28-30.). But, Lange recommends indicial “which in

daytime have the appearance of a pleasing and strong color.” (Col. 1, lines 38-40.) Thus, Lange suggest to cover the luminescent material with a translucent varnish that in all embodiments contrast with the surrounding. (Col. 3, line 18; col. 5, line 11.) Consequently, none of the embodiments of Lange teach the claimed invention of rendering the image created by the luminous elements entirely invisible under normal lighting.

Moreover, the claimed invention specifically provides a substrate covered by the semi-transparent layer, and hollows formed in the semi-transparent layer that opens toward the substrate. Lange does not teach that claimed structure. In addition, because Lange fails to teach the goal of rendering an image created by luminous elements invisible during normal lighting, there is no teaching or suggestion in Lange to provide the claimed structure.

THE CLAIMS ARE NOT INDEFINITE

Claim 13 and 14 stand rejected under 35 U.S.C. §112, 2nd paragraph as being unclear. As noted during the interview, the Examiner’s definition of “image” does not apply to the semi-transparent layer claimed because the semi-transparent layer does not form a “representation” of anything. Thus, the semi-transparent layer can be visible, but not form an “image.”

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

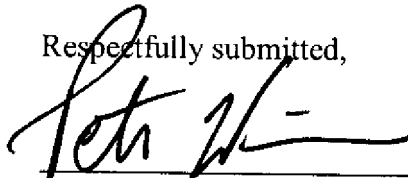
Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (128118.0101). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany

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this response, applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time. Any fees due are authorized above.

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Respectfully submitted,



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